UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Judith V. Wellington/aka/Judith V. KubraKova

(In the space above enter the full name(s) of the plaintiff(s).)

16CV 6238

COMPLAINT

-against-

Machael Spencer-Edwards
Judith Brown
Joyce Stallings-Harte
Corinne Rello-Anselmi
Carme Fariña
The New York City Department of Education

Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

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S.D. OF N.Y.

I. **Parties in this complaint:**

A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff
Name Judith V. Wellington/aka/Judith V. KubraKova
Street Address 2056 Cropsey Ave. Apt. # 6C
County, City Brooklyn, King
State & Zip Code NY. 11214
Telephone Number (718) 687-8782

B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1
Name Machael Spencer-Edwards
Street Address 982 Hegeman Ave.

County, City King, Brooklyn
State & Zip Code N.Y. 11208
Telephone Number (718) 649-7880

Defendant No. 2
Name Judith Brown
Street Address 982 Hegeman Ave.
County, City King, Brooklyn
State & Zip Code NY. 11208
Telephone Number (718) 649-7880

Defendant No. 3
Name Joyce Stallings-Harte
Street Address 557 Pennsylvania Ave.
County, City King, Brooklyn
State & Zip Code NY. 11207
Telephone Number (718) 240-2700

Defendant No. 4
Name Corinne Rello-Anselmi
Street Address
County, City
State & Zip Code
Telephone Number

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than $75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal Questions ☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? Please see the attached documents

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship

Defendant(s) state(s) of citizenship

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events.

Defendant No. 5

Name Carmen Fariña
Street Address
County, City
State & Zip Code
Telephone Number

Defendant No. 6

Name The New York City Department of Education
Street Address
County, City
State & Zip Code
Telephone Number

You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? In the Public School.

B. What date and approximate time did the events giving rise to your claim(s) occur? On January 23, 2015

C. Facts: I was accused of Corporal punishment.

What happened to you?

Who did what?

The School Principal Mr. Edwards wronfully terminated me.

Was anyone else involved?

The teacher I asisted was also accused of the same allegation.

Who else saw what happened?

No one else

IV. **Injuries:**

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. Please see the attached documents.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 3 day of August, 2016

Signature of Plaintiff [signature]

Mailing Address 2056 Cropsey Ave. Apt. #6C Brooklyn, NY. 11214

Telephone Number (718) 687-8782

Fax Number *(if you have one)* ____________

__Note:__ All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

__For Prisoners__:

I declare under penalty of perjury that on this _____ day of ______________, 20__, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: ____________

Inmate Number ____________

IN THE MATTER OF THE CLAIM OF:

JUDITH V. WELLINGTON /aka/ JUDITH V. KUBRAKOVA,

Plaintiff,

-against-

MACHAEL SPENCER-EDWARDS, individually and in his official capacity as Principal of Public School 202 Ernest S. Jenkyns ("PS/IS 202"),

JUDITH
J. W. MS. BROWN, individually and in her official capacity as School Dean (as well as ELA teacher) for Public School 202 Ernest S. Jenkyns ("PS/IS 202"),

JOYCE STALLINGS-HARTE, individually and in her official capacity as Acting School Superintendent for Public School 202 Ernest S. Jenkyns ("PS/IS 202"),

CORINNE RELLO-ANSELMI, individually and in her official capacity as Deputy Chancellor of New York City Department of Education's Office of Special Education,

CARMEN FARIÑA, individually and in her official capacity as Chancellor of the New York City Department of Education, and

THE NEW YORK CITY DEPARTMENT OF EDUCATION,

Respondents.

TO:

MACHAEL SPENCER-EDWARDS
c/o Corporation Counsel of the City of New York
100 Church Street
New York, NY 10007

JUDITH
J. W. MS. BROWN ("School Dean" and ELA Teacher)
c/o Corporation Counsel of the City of New York
100 Church Street
New York, NY 10007

JOYCE STALLINGS-HARTE
c/o Corporation Counsel of the City of New York
100 Church Street
New York, NY 10007

CORINNE RELLO-ANSELMI
c/o Corporation Counsel of the City of New York

100 Church Street
New York, NY 10007

CARMENFARIÑA
c/o Corporation Counsel of the City of New York
100 Church Street
New York, NY 10007

THE NEW YORK CITY DEPARTMENT OF EDUCATION
c/o Corporation Counsel of the City of New York
100 Church Street
New York, NY 10007

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and

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100 Church Street New York, NY 10007 CARMEN

demand against the above-named Respondents:

1. The name and address of claimant: Judith v. Wellington /aka/ Judith V. Kubrakova, with home address at 630 E. 42nd St., Brooklyn, N.Y. (hereinafter referred to as "Claimant" or "Ms. Wellington").
2. The nature of the claim includes, but is not limited to, violations of claimant's property, liberty, interests, and rights under the following laws: United States and New York Constitutions, enforceable by NYS Education Law §3813; 42 USC §1983; right to equal protection of laws in violation of the 14th Amendment to the United States Constitution and of the New York State Constitution, Article 1, §11; conspiracy to violate claimant's constitutional rights; constitutional torts under the United States and New York Constitutions in violation of 42 U.S.C. §1985; state and federal due process of law; NYS Education Law §3813; NYS Education Law §3020; NYS Taylor Law (NYS Civil Service Law, Article 14) (Public Employees' Fair Employment Act); NYS Educational Employment Relations Act (SERA) (RODDA) (NYS Labor Law, Article 20); NYS Public Employment Relations Board (PERB); NYS Article 78; NYS Article 75; NYS Ed. Dept. Commissioner Appeals; NYS Social Services Law §413; NYCDOE Chancellor's Regulation A-750, et. al.; NYC "Weingarten Rights"; Bylaws of the Panel for Educational Policy of the Department of Education of the City School District of the City of New York ("PEP Bylaws"); Safe Schools Against Violence in Education (SAVE); whistle blower protections; NYS and DOE mandated reporter rights and protections; claimant's employment contract and of her CBA and union contracts; fraud; conspiracy to interfere with claimant's contractual relations and rights; tortious interference with claimant's contractual relations; tortious interference with claimant's economic advantage; conspiracy to interfere with claimant's economic advantage; witness intimidation and/or tampering in connection with my termination and any present or future related legal actions; harassment; wrongful termination; constructive discharge; defamation and slander of claimant; retaliation against claimant; negligent and intentional failure to protect claimant from injury and violence in the school; negligence; negligent supervision; prima facie tort; intentional infliction of emotional distress upon claimant; negligent infliction of emotional distress upon claimant; reckless and malicious conduct; and arbitrary and capricious conduct by the respondents.
3. Ms. Judith Wellington was a paraprofessional at Public School 202 ("PS/IS 202"), Ernest S. Jenkyns, at 982 Hegeman Ave., Brooklyn, N.Y.
4. **The claim arises** from, among other things, actions and statements made by Respondent Machael Spencer-Edwards in his individual, personal, and official capacity as Principal of PS/IS 202, and by his authorized staff in their respective individual and official capacities (collectively referred to as "School Staff"), by

said School Staff's targeting of the Claimant, Ms. Wellington, for unlawful retaliation, breach of contracts, wrongful termination, defamation, Respondents' adverse actions described above, Respondents' adverse actions as of yet unknown to Ms. Wellington; the dissemination by School Staff of false, erroneous, defamatory, reckless and malicious statements in evaluations, letters, and year end evaluations by School Staff; School Staff's discriminatory actions and statements against claimant; School Staff's lack of due process in their investigation, discipline, and termination of claimant in connection with the fabricated allegations of corporal punishment proffered by School Staff, purportedly on behalf of children and former students of claimant at said school, regarding claimant's alleged use of corporal punishment against certain school children and students, and fabricated allegations of claimant's unauthorized actions in the school.

5. **The claim** is also based on, arises from, and/or includes Respondents' discriminatory actions, and violations of Claimant's CBA contract rights, New York State, federal, and New York City Laws including NYCDOE's rules and the Chancellor's Regulations, Claimant's due process and other constitutional rights, and/or include Respondents' retaliation for Claimant's mandated complaints and/or reports of physical and sexual abuses occurring between and amongst minor students at P.S. 202 which have been condoned and unreported by Respondents.
6. **The claim also arises** from Respondents' unlawful discrimination against Claimant based on her race, ethnicity, national origin, age, and/or gender. As Respondents has known, Claimant is a 46 year old, black/Hispanic, Panama born, female. Respondent Spencer-Edwards is a black, Jamaica born, male who is perceptively younger than Claimant, and was her superior and employer and school (assistant) principal since 2012. Respondent Spencer-Edwards unlawfully discriminated against Claimant by intentionally treating her worse than comparable staff with less seniority at P.S. 202 than Claimant, and who were/are younger than Claimant, and/or who were not black/Hispanic, Panama born, and/or female, like Claimant, by knowingly engaging in many discriminatory actions or omissions against claimant in the manner described herein.
7. **The claim includes** the following elements: Respondents retaliatory actions against Claimant for her lawful complaints and reports to her union (UFT), and to Acting School Superintendent Joyce Stallings-Harte, and/or to other staff, regarding many if not all of Respondents' actions described herein, such as the following: Respondent Spencer-Edwards' manufacture and proffer of coerced, unduly influenced, non-credible, recanted, fabricated accusations against Claimant regarding her having allegedly administering corporal punishment to her minor students at P.S. 202 – in connection with NYC DOE File No. 277786, DOE Case No. 15-00260X, and UFT Case # K000057272; Respondent Spencer-Edwards

abusing his position by attempting to coerce and/or unduly influence other teachers at P.S. 202 into knowingly supporting fabricated and false accusations of corporal punishment and/or other wrongful activities allegedly perpetrated by Claimant and her former co-teacher Ms. Montague at P.S. 202; Respondents Spencer-Edwards and Ms. Brown attempting to, and actually, coercing and/or unduly influencing minor students at PS 202 to falsely accuse Claimant of corporal punishment in support of Respondent Spencer-Edwards' subsequent termination of Claimant's employment; Respondents ' Spencer-Edwards and Ms. Brown's improper and fabricated "investigation" of said accusations; Claimant's improper termination hearing; Respondents' free speech prohibition of Claimant's right to discuss the events described herein with anyone other than Claimant's union representative; Respondents' selection and targeting of Claimant for dangerous and objectionalble in-school and out-of-school assignments, such as Respondents' deliberately isolating Claimant with a known violent minor student, referred to herein as "E", despite Claimant's and her union's objections due to Claimant's lack of SE certification and training for such assignment, and also due to "E's" prior violent threat to, assault of, and false accusations about, Claimant; Respondent Spencer Edward's condoning of "E's" said threat to and attack on Claimant, and of "E's" subsequent false account of this event, and Respondent Edwards' prohibiting of witnesses' rebutting "E's" false account; Respondents' discriminatory violation of Claimant's contractual seniority rights regarding her class and student assignments; Respondents' reckless assignment of Claimant as a school "safety agent" despite Claimant's prior objection that she lacked the requisite training for such position; Respondent's deliberate manufacture of false negative letters about Claimant's performance and conduct at P.S. 202, and insertion in Claimant's file, in retaliation for Claimant's complaints and reports to, and about, Respondent Spencer-Edwards.

8. Claimant's claims are made in the context of Respondents' prior and sufficient knowledge of numerous complaints previously made by other P.S. 202 staff as well as students about Respondent Spencer Edwards, his non-credibility, and his repeated failure as a school principal and mandated reporter to adequately respond to and report student abuses occurring at PS 202. For example, Claimant claims that Respondents, especially Respondent Spencer-Edwards, knowingly condoned, failed to protect, endangered, and retaliated against, Claimant for her complaints and mandated reports of student abuses at P.S. 202, such as: ~~Respondent Spencer Edwards' public embarrassment and emotional abuse of a minor student referred to herein as "PDJ", in October 2013, regarding said minor's physical ailment or disability;~~ (J.W) Respondent Spencer Edwards' refusal to intervene and rescue minor students who were reportedly being choked and/or hit by an older student, referred to herein as "E", and failure to later investigate or report said incidents; Respondents' refusal or failure to intervene, investigate, or report disclosed incidents involving a minor student referred to as "G" who repeatedly (J.W)

performed a sexual-like humping activity on other minor students at P.S. 202; Respondents' prior knowledge of school staff accusations and reports of Respondent Spencer-Edwards' unlawful entry into the school's girls' bathroom to reprimand girls presently using the bathroom. Respondents have additionally been negligent in connection with the safety and welfare of the school staff and children by not having offered or apprised Claimant (and probably other staff too), in the past 15 years, of any necessary staff training for handling violent encounters amongst, or with, special education or emotionally disturbed students at P.S. 202.

9. **The context** of Claimant' claim is also made in the context of Respondents' prior and sufficient knowledge of the following incidents and examples of Respondent Edwards' history and reputation for fabricating and soliciting false accusations and evaluations of "unwanted" staff members as his pretext for his and DOE's unwarranted defamation, termination, and/or other discipline of such staff. Such examples include but are not limited to: Respondents' prior knowledge of Respondent Edwards' past fabrication and submission of false job evaluations and negative letters regarding PS 202's former Assistant Principal Virginia Richards, and of her subsequent termination of employment based on said false evaluations; Respondents' prior knowledge of Respondent Spencer-Edwards' fabricated report of abuses allegedly committed by the former school aid Margaret Haas, and her (J.W) subsequent unjustified termination by Respondent Spencer-Edwards, in retaliation (J.W.) for Ms. Haas's grievance to her union about Respondent Spencer-Edwards' (J.W.) violation of Ms. Haas's school and CBA contract.

10. **Ms. Wellington seeks,** among other things, the following relief: (a) Respondents must cease and desist from promulgating or distributing any negative evaluations and letters about her any further; (b) Respondents must rescind the prior illegal, wrongful, arbitrary and capricious negative ratings for Plaintiff for the 2013-2014 and 2014-2015 school years, and provide a full written retraction to claimant, and to her authorized agents and designees, of all Respondents' prior negative statements and evaluations about claimant caused to be made by Respondents or their agents; (c) giving Ms. Wellington positive ratings for the 2013-2014 and 2014-2015 academic years; (d) Respondents must purge Ms. Wellington's personnel file and any of respondents' records and systems of any reference to any negative evaluations, letters, records, disciplinary actions, investigative materials in connection with claimant's claims and Respondents' violations as described herein, and must ensure their destruction;

CONTINUED ON PAGE 7 ...

(e) injunctive relief requiring Respondents to immediately remove from all Claimant's files and DOE records in connection with Claimant any disciplinary flags attributed to Claimant in connection with any of the events complained of or referred to herein, or any related hearings or actions known to Respondents, and to cause such flags or similar type alerts to be removed from all files or records in the custody of any related or unrelated parties whom Respondents have reason to believe contain such flags or alerts; (f) injunctive relief requiring Respondents to immediately cease and desist from creating, writing or otherwise distributing any other false and/or defamatory statements about Ms. Wellington; (g) injunctive relief requiring Respondents to immediately cause to restore the full effect and good standing status of any of claimant's state or city certifications and licenses adversely affected by Respondents' actions, and to ensure the continuation of such restoration in the future whenever Respondents have reason to believe that it is at risk or upon request by claimant or her authorized agents and designees; (h) injunctive relief requiring Respondents to immediately cause to restore and/or maintain, if and whenever necessary, or if or when claimant deems it necessary, her prior good standing, reputation, and record with any institution of higher learning or advanced education in which claimant is presently or subsequently enrolled or admitted, wherever it may be situated, and to ensure the continuation of such good standing, reputation, and record in the future whenever Respondents have reason to believe that same are at risk or whenever requested by claimant or her authorized agents and designees; (i) injunctive relief requiring Respondents to provide written documentation to Ms. Wellington, and to her authorized agents and designees, of Respondents' respective individual compliance with all the demands stated herein, as they occur, and upon demand by claimant or her authorized agents and designees; (j) immediately and fully restore to the claimant, and/or to her designated account which she identifies, any losses of pay, salary, benefits, seniority status, and of any other type of property interest incurred in connection with her transfer and termination, which she would have accrued, earned, or maintained but for Respondent's unlawful transfer and termination of claimant's employment, plus interest, calculated through the date of payment to Ms. Wellington; (k) compensatory damages for past, present, and prospective loss of income, together with statutory interest; (l) payment for her pain and suffering; (m) payment and/or reimbursement of all claimant's reasonable attorney's fees, costs, and disbursements; (n) reimbursement of any reasonable fees expended by claimant, and payment for any reasonable fees necessary to be expended by claimant, for her engagement of an SEO expert to use all reasonable industry standard efforts necessary to wholly restore claimant's prior good reputation of character and profession which was, may be, or is likely to be, adversely affected on the internet by Respondent's above actions and violations; (o) injunctive relief requiring Respondents to enact corrective rules, regulations and bylaws that protect claimant and others' property and liberty interests that comport with fundamental notions of due process; (p) injunctive relief requiring Respondents to provide appropriate and timely reviews of negative ratings and unfair or unsubstantiated letters to the files; (q) injunctive relief forbidding Respondents from placing Ms. Wellington on an Ineligible List; (r) injunctive relief permitting Ms. Wellington to elect whether to remain at her former school or to transfer to another public school or to some other agency or institution within the New York City Department of Education and deemed reasonable, appropriate, and acceptable to Ms. Wellington, without loss of any pay, salary, benefits, or seniority accrued and/or earned through the present date and calculated as if claimant's intervening transfer and termination had not occurred; (s) injunctive relief requiring Respondents to immediately and permanently transfer from claimant's class or custody any of the students who had threatened to harm, harmed, assaulted, or voluntarily falsely accused claimant or her co-teacher or any other staff member; (t) injunctive relief requiring Respondent New York City Department of Education to immediately terminate employment of Respondent Principal Spencer-Edwards, and to prohibit his re-employment by any New York City or New York State public or private school, and to prohibit his re-employment by any other New York City or New York State agency or institution which could potentially entail contact or communication between him and children who are minors, emotionally disturbed, or children with special needs; (u) injunctive relief requiring Respondent New York City Department of Education to immediately terminate employment of Respondent Spencer-Edwards, and to prohibit his/her re-employment by any New York City or New York State public or private school, and to prohibit his/her re-employment by any other New York City or New York State agency or institution which could potentially entail contact or communication between him/her and any children who are either minors, emotionally disturbed, or with special needs; (v) an injunction ordering each of the above named Respondents to comply with applicable federal, state and local law regarding anti-discrimination provisions and all school mandated-reporting provisions; and (w) such other and further and different relief as may be just, equitable and proper. The amount of damages sought by Ms. Wellington is not less than **$2,000,000.00**.

11. The undersigned claimant hereby presents this claim for payment and injunctive relief.

YOU ARE HEREBY NOTIFIED that unless this claim is satisfied and paid and adjusted within a reasonable time, and unless this claim for injunctive relief is wholly satisfied to claimant's satisfaction, it is the intention of the claimant to commence legal action against the above-named Respondents.

Dated: New York, NY
May 4, 2015

JUDITH V. WELLINGTON /aka/
JUDITH V. KUBRAKOVA, **Pro Se**

Sworn to before me on May 4, 2015

Notary Public

MICHAEL A. GROSS
NOTARY PUBLIC-STATE OF NEW YORK
No. 02GR6236212
Qualified in Nassau County
My Commission Expires February 22, 2015